

✓ CITY OF RENTON

APR 18 2012

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BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: Howard and Beatrice Seelig

Conditional Use and Site Plan

LUA11-069, SA-H, ECF, CU-H

FINAL DECISION

**Summary**

The Applicants have applied for a conditional use permit and site plan approval for a six story mixed-use building containing 230 apartment units and 2,500 square feet of commercial space. An additional 40,000 square foot story of the building would be used for artist/incubator space. The conditional use permit and site plan are approved with conditions. The Examiner has no authority to modify the State Environmental Policy Act ("SEPA") traffic mitigation as requested by the Applicants for the reasons identified in the last paragraph of Finding of Fact No. 5(E)(1).

**Testimony**

Rocale Timmons, Associate Planner, stated that the Applicants are proposing a 230 unit mix-use structure on a site in north Renton on the south side of NE 48th Street, just east of Lake Washington Blvd N. The site is 4.8 acres and located within the Commercial Arterial zoning designation. Surrounding uses include single family residences, multi-family residences, and a storage facility to the west. The site is currently vacant, and there are critical areas on the site in the form of high erosion and landslide areas. There are small, protected slopes on the eastern portion of the site which exceed 40 percent in grade. Also, there is an osprey nest west of the side. The Applicants are proposing a six-story mix-use building which will contain 230 apartment units, 2,500 square feet of commercial space, and an additional, single-story 40,000 sq. ft. structure to be used as

1 an incubator space. Access to the site would be provided on NE 48th Street via two driveways  
2 resulting in a private loop road around the primary structure. The Applicants are proposing a total of  
3 392 parking spaces that would be provided of which 263 stalls would be located within a sub-grade  
parking garage and the remaining 129 stalls would be surface parking. The Applicants are proposing  
to preserve the easterly 56 ft. portion of the site to be preserved as open space.

4 In terms of permits required, Ms. Timmons testified that the Applicants are required to obtain  
5 site plan approval. If the Applicants have more than 100 residential units, a hearing examiner  
6 approval is also required. Additionally, the Applicants are required to obtain a conditional use permit  
7 in order to exceed the height limit of 60 ft. for the primary structure. A critical area variance is not  
8 needed for the site, as the Applicants will not be doing any work in the critical slope areas. A 14-day  
comment period commenced on August 23, 2011 and ended on September 6, 2011. Staff received  
several comments in regard to traffic, soil stability, and view corridors which have been entered into  
the record as exhibit 10.

9 Ms. Timmons stated that on February 3, 2012, the city issued a determination of non-  
10 significance mitigated which included 9 mitigation measures which mainly dealt with geotechnical  
work, the osprey nest on the site, traffic improvements, and park/traffic/fire impact fees. No appeals  
11 were made, and staff is recommending that the Applicants be required to comply with the 9  
mitigation measures as a condition of approval.

12 In terms of the site plan analysis, Ms. Timmons noted that staff found the proposal is  
13 consistent with the Renton Comprehensive Plan and land-use and community design policies. The  
14 proposal is also compliant with the minimum zoning regulations with the exception of the minimum  
front-yard setback, on-site landscaping, maximum 60 ft. building height, and refuse/recycle standards.  
15 The Applicants are requesting a front-yard setback deviation of 1.5 ft. (setback of 8.5 ft.). The  
16 proposed structure has two terraces along the front, and the Applicants have included canopies, street  
furniture, and raised landscaping beds in the proposal which staff believe enhances the pedestrian  
17 experience along the streetscape. Staff also requests that the landscaping 10 ft. requirement be  
18 modified accordingly to reflect these additions (from 10 to 8.5 ft.). The primary structure would  
range in height from 12-68 ft. with an average height of approximately 62 ft. The 12-ft. sections are  
19 mainly around the streetscape. The proposal did not include a design for refuse/recycle deposit areas,  
and there was no square footage depicted on the site plan for this area. Therefore, staff  
20 recommending the Applicants provide this information prior to building permit approval. The  
primary mixed-use structure is located at the center of the site with setbacks to the east and the west.  
21 The structure must have an orientation to the west because of surrounding streets. The primary  
structure is located 85 ft. from the east property line. Parking is largely invisible from the street and  
22 adjoining properties due to the scale of the structure. The Applicants are proposing around 13,500 sq.  
ft. of common recreation space on-site. Proposed pedestrian amenities include a 5,000 sq ft.  
23 pedestrian plaza along NE 48<sup>th</sup> street, a plaza on the southeastern portion of the site, and a plaza in  
front of the main entrance. The primary pedestrian pathway which bisects the site incorporates all of  
24 the plazas. The primary building will be placed at a lower elevation on the site than what was  
required by the code, and there is a 86 ft. setback between the building and the eastern property line.  
25 Roof elevations would be located below the primary floor elevations of the residential structures of  
the eastern property line. The front entry is framed by a covered archway that connects to the  
26 community space structure at the center of the site. Parking is primarily located below-grade. The

1 building will reflect residential form with features such as gabled rooflines. Street furniture, raised  
2 trellises, and landscaping will be used to provide a human scale character along the main façade.

3 In regard to conditional use permit analysis, Ms. Timmons stated that staff reviewed the  
4 impact of the increased height on neighboring properties. The Applicants voluntarily sited the  
5 structure more than 85 ft. down on the site. Additionally, the eastern building façade has several  
6 architectural elements to break down the massing of the structure that would have caused aesthetic  
7 impacts to neighboring properties. Police and fire staff indicate that sufficient resources are available  
8 to service the site, and the school district can accommodate new students. An extension of the water  
9 main on NE 48<sup>th</sup> St. would be required at the north property line and a sewer certificate of availability  
10 would be required prior to utility permit approval because the site is not within Renton Sewer  
11 District. The storm-water vault would be required to be designed according to King County Code. A  
12 traffic study was conducted by Pop and Associates which found that traffic impacts are expected at  
13 the intersection of Lake Washington Blvd and NE 48<sup>th</sup> St and NE 44<sup>th</sup> St. As a result of this study, a  
14 SEPA mitigation measure was set requiring the Applicants to signalize both of those intersections  
15 prior to building permit approval. Additionally, the Applicants would be required to provide frontage  
16 improvements, including a 5-ft. sidewalk, curb gutter 8 ft. planting strip, drainage, and lighting along  
17 NE 48<sup>th</sup> St.

18 Ms. Timmons testified that staff recognizes that the proposal may have adverse impacts due to  
19 the intensity and scale of the structure; however, they believe the Applicants have used thoughtful  
20 planning to mitigate many of these impacts beyond what is normally associated with a CA area  
21 development. Staff has recommended as a condition of approval that the Applicants be required to  
22 provide a lighting plan prior to building permit approval and a building materials palette. Staff has  
23 also found that the proposal complies with the conditional use permit requirements if all conditions  
24 are met. Staff is recommending approval of the Kennydale Apartments depicted in Exhibit 2, subject  
25 to 5 conditions of approval. Plus, staff is asking the hearing examiner to consider a 6<sup>th</sup> condition of  
26 approval. In Exhibit 4, an incubator space is depicted which shows several garage like elements  
indicating that this may be used as a mini-storage area. Mini-storage is not an allowed use in a CA  
zone, thus staff is recommending that the Applicants revise this elevation to eliminate the bulk of the  
doors on the incubator space to eliminate the ability to use the space as storage.

Upon questioning by the hearing examiner, Ms. Timmons stated that she is unsure of how the  
incubator space will be used. Code allows for this space to be used for commercial, office, and retail  
space. The proposal was routed to all internal departments, and staff received no concern with regard  
to water (with the exception of soil stability which the geotech report addresses). The eight homes  
with view impacts are located just east of the site. The land rises to the west and views are already  
impacted by the trees, and view corridors were measured from decks. Staff has worked with the  
Applicants to change the design of the structure over the past 2 years in order to achieve a design that  
accommodates the view corridors that concerned staff.

Carl Pirscher, CDA Architects, stated that he has worked with the owners of the site for  
almost ten years. Over six years ago, a full project proposal, along with a hearing was completed,  
which the Applicants had approved. Extensive plans for an office project were submitted (170,000 sq  
ft.), but market conditions have changed over the years and the application was allowed to lapse.  
Market conditions provide that an apartment complex on the site would make the most sense. The  
property is 4.8 acres. Surrounding the property includes the Seahawks practice field, a large office

1 building, and other commercial areas. The area is close to employment centers in Bellevue and  
2 Renton and is desirable for different types of mix-use. The proposal would act as a transition from  
3 the eastern sites to the urban core of the city. There are multi-family projects due north and due  
4 south, and due east is a single-family residential development. The city's boundary is virtually the  
5 eastern property line of the site. The Applicants have prepared reports on soil, drainage, surveys,  
6 water course, and wildlife. The water course was identified and mitigated in the original application  
six years ago. The course bisects the site on the northern half, and the Applicants was required to  
provide augmentation to off-site wetlands. It is part of the open space part of the proposal. The site  
is well-vegetated and has been untouched for several decades. Some of the steep slopes are a result of  
previous timbering activity.

7 Mr. Pirscher testified that one of the primary goals of the project was to achieve a minimum of  
8 230 apartment units that included commercial space appealing to a wide variety of commercial-users.  
9 Design goals included minimizing impacts to neighboring properties, maximizing the number of units  
10 with western exposure, maximizing the number of corner units, creating a quality environment for  
11 both residents and customers, use quality materials for the finishes of the buildings (durable and  
12 attractive), and providing flexible design of spaces (varied unit designs). The western property line  
13 includes a multi-unit building for mini-storage with adjacent apartment complexes (Exhibit 2). Code  
14 allows for the site to have up to 288 units, but the Applicants felt 230 units would fit better with the  
15 neighborhood. Code requires 267 parking stalls; the Applicants are providing 266 residential parking  
16 stalls and 129 customer parking. The Applicants have exceeded the requirements for common open  
17 space. Several plazas are planned throughout the site which will offer a variety of recreational  
18 activities such as benches, trellises, and textural features to enliven the pedestrian experience. The  
19 primary entry to the site for pedestrians is at the approximate mid-point along NE 48<sup>th</sup> St. Windows  
20 of the retail space are facing towards to street, thus they are visible to passing pedestrians. At the  
21 mid-point of the residential unit, there is a common area which will include amenities for recreation  
opportunities as well as office space. The primary deck heights of the eastern single-family  
residences were used when planning the location and design of the building in order to minimize  
impacts on neighbor views. The commercial area associated with the mix-use project is at the north-  
end of the building. The highest element of the building is at the center and steps down, and then  
back up, creating a curve of forms and building heights. Exhibit 4 notes the frontage of the building.  
The building uses various shapes/forms and a clean palette to fit in with the neighborhood. Gable  
roof elements, cupolas/turrets allow, and other design forms allow for various types of units. The  
incubator space is envisioned to be a flexible space for different scales of commercial operations.  
The space may be used for retail. The apparent heights of the building that face the residential east  
have been reduced.

22 Mr. Pirscher noted that the structure height would be below the primary line view of the  
23 easterly residences (west schematic elevation-shows primary floor of residences in relation to the tree  
24 line), and the tree cover is more of a view hindrance than the proposed building. The weighted  
25 average of the different roof planes over the length of the building was taken, after establishing a  
26 base-grade plane elevation. The allowable height is 60 ft. taken from 101.88 grade elevation (shown  
on Exhibit 15). He took the weighted average of different segments of heights of the building to the  
grade plane and averaged them to get the average height of the building (a couple of feet higher than  
the height limit). This calculation was worked out with city staff based on the highly variable heights

1 of the design project. There are some building elements above the average, and some considerably  
2 below the average. The rationale for the departure from the 60-ft. height limit is that the design will  
3 be superior. The height will allow for various apartment designs. Previously, the Applicants looked  
4 at a uniform design which met the height requirement. This design looked too bulky and massive,  
5 thus they changed the profile of the building and stepped the roof planes. The secondary reason for  
6 the current proposal is to de-emphasize some of the commercial neighborhood uses with a more  
7 residential form. The height deviation is supported because it provides for better aesthetics. It is a  
8 more expensive solution because of items like stairs and elevator requirements. The Applicants have  
9 no issue with the additional, sixth condition of approval regarding the incubator space.

10 Bill Popp, traffic engineer, testified that an initial report was filed in May, 2011 and a follow-  
11 up report was submitted in June, 2011. The follow-up report was not used by staff in creating their  
12 mitigation measures. On page 25 of the staff report, two I-405 ramp intersections are referenced. The  
13 May 2011 report was used as a placeholder because the engineers were still debating the wisdom of  
14 the expensive interchange improvements that would be promptly removed with the planned major I-  
15 405 construction. The June 16, 2011 report modified that mitigation discussion and  
16 recommendations. The June report identified a non-signalized traffic mitigation plan for the  
17 northbound I-405 ramp intersection, but retains a signalized improvement to the southbound ramp  
18 intersection. The I-405 master plan has been adopted by 26 jurisdictions and is a plan to rebuild  
19 much of I-405. The master plan was initially slated for 2016 and is a high priority project. Any  
20 mitigation action for this developer would be removed once the master plan began. Thus, they  
21 attempted to make the fewest possible changes while still mitigating traffic impacts. The most  
22 practical condition would be to tie the off-site intersection improvements to issuance of a certificate  
23 of occupancy, instead of prior to issuance of a building permit. The project traffic will only begin to  
24 affect these intersections well into occupancy of the site. Additionally, these traffic improvements  
25 would be an up-front financial burden on the project financiers.

26 Mr. Popp commented that there should be a commitment on the city's part to add these  
improvements to the city's transportation development plan so that the developers get credit against  
their traffic mitigation fee for these interim signal mitigation improvements. There was a reference to  
the June 16<sup>th</sup> report in the February 13<sup>th</sup> SEPA mitigation document, but the exhibit listed was the  
May 25<sup>th</sup> report.

Hiro Tojo stated that he lives in the property adjacent to the site from the northeast. His  
property is lower than many of his neighbors. His house is three stories, but his second floor is only  
as high as the first floor of the other houses in the area. He stated his doubt over the Applicants'  
finding of the existing 8-deck heights being elevated above the highest point of the structure because  
his house sits so much lower than surrounding ones. He enjoys the view from his home, especially in  
the winter when the leaves are gone from the trees. In the summertime, the vegetation impairs the  
view, but there is still a partial view. He bought his house in November, 2010, and knew there would  
eventually be a structure on the proposal site. However, he did not realize the structure would be of  
this magnitude. Six-stories, and 230 apartment units is too big for a residential area and this specific  
location. The closest condominium complex to the north is approximately 108 rooms, nowhere near  
230 apartments. All of the commercial properties surrounding the proposed project do not exceed  
four stories. The proposal is out of place in the current location. He is also concerned with the traffic  
congestion. Currently, he struggles at the intersection onto the I-405 ramp to commute to Seattle.

1 230 units worth of people will result in even more traffic congestion issues. Additionally, he is  
2 concerned with mudslide issues. There is a very steep hill on the site. He is worried that the house  
3 inspector for his home did not realize there was really soft mud under his home. The new project  
4 could increase further soil problems and mud slides. He does not want to lose his view and wants the  
5 developer to ensure that the decks of all of the existing homes will be above the proposed structure.  
6 He believes there should also be more than one exit from the apartment complex.

7 Ms. Timmons stated that staff would like the record left open in order for Mr. Neil Watts to  
8 address the traffic concerns brought forth by Mr. Popps. The SEPA review appeal period has ended  
9 so it is unclear if the Applicants will be able to have mitigation rescinded. Exhibit 8 for the SEPA is  
10 the May, 2011 traffic impact analysis. Exhibit 13 is the June 16, 2012 traffic analysis. She submitted  
11 exhibit 18 which is a reconnaissance and determination from 2005, stating that the water course is  
12 drainage and not regulated by the city. Staff is very sympathetic to the citizen's concerns with the  
13 view corridor.

14 Jan Illian stated that, in regard to water seepage on the slope noted in the staff report, this was  
15 a preliminary geotech report. Infiltration will not be an option so the Applicants will have to take  
16 mitigation measures such as reducing the footprint of the building. It is unclear the exact measures  
17 that will be taken because the TIR that was submitted was preliminary. The impact will be fully  
18 mitigated through engineering review upon the submittal of a complete TIR.

19 Mr. Pirscher testified that Exhibit 15 shows Mr. Tojo's residence at the far north end of the  
20 project (178.9 surveyed primary floor). Thus, his primary living space will be above the project  
21 height. From scaling the distance, Mr. Tojo's house is 50 ft. from the property line, and the building  
22 is another 150 ft. from the property line. Mr. Tojo's home sight line would fall at a 5-story portion of  
23 the structure. Additionally, there are two driveways for the site (one to the east and one to the west).

24 Howard Seelig, the owner, stated that he must get financiers for the project. Currently, there is  
25 a competitive financial situation for the site so the financiers are interested in where the money is  
26 specifically going. The project will not generate any traffic until well after the building permit. He  
is working to gain the money through a company named CRBE. The financiers will question why  
money must go to the city of Renton for the traffic mitigations so early on in the process. The city  
will have control over when traffic will start through issuance of the certificate of occupancy.

Joe Steele, CRBE financial, stated that the money market is very competitive right now.  
Requiring traffic improvements to be completed prior to occupancy will make it difficult to attract  
investors.

## Exhibits

Exhibits 1-10 identified at page 2 of the March 8, 2012 staff report were admitted at hearing. In  
addition the following exhibits were admitted during the hearing:

Exhibit 11-March 8, 2012 staff report

Exhibit 12-Geotech Report

Exhibit 13-Traffic Report

1 Exhibit 14-Staff powerpoint

2 Exhibit 15-Applicant powerpoint

3 Exhibit 16-Memo from Bill Pop March 15, 2012

4 Exhibit 17-Environmental staff report, February 13, 2012

5 Exhibit 18-September 10, 2005 report on water course

6 Exhibit 19-March 22, 2012 memo from Neil Watts regarding Signalization Requirements

7 Exhibit 20-March 27, 2012 memo from Bill Popp

## 9 FINDINGS OF FACT

### 10 Procedural:

11 1. Applicants. Howard and Beatrice Seelig

12 2. Hearing. The Examiner held a hearing on the subject application on March 15, 2012 at 1:00  
13 pm in the City of Renton Council Chambers. The record was left open through March 28, 2012 to  
give the parties an opportunity to provide written comment on traffic mitigation issues.

14 3. Project Description. The Applicants are requesting Site Plan and Conditional Use Permit  
15 approval for the construction of a 6-story mixed-use building containing 230 apartment units and  
16 2,500 square feet of commercial space. An additional 40,000 square-foot story is also proposed for  
17 artist/incubator space. The subject site is located on the south side of NE 48th Street, just east of  
18 Lake Washington Blvd N. The eastern property line is bordered by the City of Newcastle. The site is  
currently vacant.

19 The primary residential structure would range in height from 12 feet to 68 feet with an average height  
20 of approximately 62 feet. The requested conditional use permit is required solely because the  
21 Applicants propose to exceed the 60 foot building height for the CA zone. The mid-rise five- and  
22 partial six-story mixed use building would total 219,609 square feet of space over a basement level  
23 parking garage and an additional partial sub-basement parking floor containing a total of 263  
24 structured parking stalls. The proposal also includes 129 surface parking stalls of which 16 parallel  
25 stalls would be located to the east of the mixed use structure and 109 stalls to the west of the mixed  
26 use structure. The proposed artist/incubator story would be located beneath surface parking stalls  
west of the mixed use building. The proposal would have an approximate density of 50 du/ac. The  
easterly 86-foot portion of the site would be set aside as open space and would be used as a buffer for  
the proposed mixed-use structure. Access to the site would be provided off NE 48th St via two  
driveways resulting in a private loop road on-site. The property slopes down to the west at an average

1 gradient of 30 percent. The proposed development will step up the slope in order to accommodate the  
2 grade change across the site.

3 4. Surrounding Uses. Single family residences are located to the east. To the north and south  
4 adjoining properties are primarily developed as multi-family dwelling units in three-and four-story  
5 configurations with pitched roofs, distributed building masses, and open parking. To the west the  
6 development consists of a mixture of commercial properties. The mix includes a multi-story modern  
7 office building to the northwest, a large scale one and two story "mini-storage" facility due west and  
8 hotel, retailing and restaurant facilities to the southwest.

9 5. Adequacy of Infrastructure/Public Services. The project will be served by adequate  
10 infrastructure and public services as follows:

11 A. Water and Sewer Service. There is an existing 12-inch water main in NE 48th Street. The  
12 proposed project is located in the 320 water pressure zone and is outside an Aquifer  
13 Protection Zone. Static pressure in the area is approximately 100 psi. 4,800 gpm fire flow  
14 is available in NE 48th. As a condition of approval, the Applicants will be required to  
15 extend the 12-inch water main in NE 48th Street to the easterly property line and provide a  
16 12-inch looped water main around the building on site. Sewer service will be provided by  
17 Coal Creek Water and Sewer District. A certificate of availability will be required to be  
18 provided prior to utility construction permit.

19 B. Fire and Police. Police and Fire Prevention staff indicate that sufficient resources exist to  
20 furnish services to the proposed development; subject to the condition that the applicant  
21 provides Code required improvements and fees. A Fire Impact Fee, based on new multi-  
22 family units and square foot of non-residential area, is required by SEPA mitigation  
23 measures (Ex. 7) in order to mitigate the proposal's potential impacts to City emergency  
24 services.

25 C. Drainage. The project is required to comply with the new City of Renton amendments to  
26 the 2009 King County Surface Water Design Manual. A conceptual drainage plan and  
report stamped by a professional engineer was submitted with the formal application, and  
per the report the project is complying with the 2009 King County Surface Water Design  
Manual. The site would control flow and water quality through a combined  
detention/treatment vault located on the southwestern portion of the site. Preliminary  
calculations require a 66,240 cubic foot vault. Subsurface drainage blankets would be  
installed in conjunction with retaining walls on site to create the level parking areas and  
building pads. These drains relieve hydrostatic pressure behind the retaining walls.

D. Parks/Open Space. On parks, a Parks and Recreation Impact Fee is required by the  
SEPA mitigation measures (Ex. 7) to mitigate the proposal's impacts to City's Park and  
Recreation system and is payable to the City as specified by the Renton Municipal Code.



1  
2 On open space, based on the proposed 230 apartment units the Applicants are required to  
3 provide a total of 11,500 square feet of common space/recreation space. The site plan  
4 depicts a total of 13,516 square feet of proposed common/recreation space distributed  
5 around the site. The common areas have been distributed in a thoughtful way. The  
6 Applicants have proposed a combination of pedestrian plazas, pedestrian corridors, roof-  
7 top plazas, and interior common recreation areas which are of sufficient size and in  
8 functional opportune locations. The easterly 86-foot portion of the site would be set aside  
9 as open space and would be used as a buffer for the proposed mixed-use structure.

10  
11 E. Transportation. All transportation impacts have been adequately mitigated both on and  
12 off-site. A traffic study prepared by Popp and Associates was submitted with the site plan  
13 application and has been reviewed and approved by City staff. The engineer provided  
14 recommendations and mitigation measures addressing driveway locations, traffic  
15 circulation to and from the site, site distance issues and extension of the center turn lane in  
16 NE 48th St to the east. The study also includes impacts to the intersections of Lake  
17 Washington Blvd and NE 48th St, and Lake Washington Blvd and NE 44th St with the  
18 development of the Port Quendall site. The more significant traffic impacts are addressed  
19 more specifically below:

- 20  
21 1. I-405 Mitigation. In order to not exacerbate the Level of Service (F) at the  
22 intersection, a SEPA mitigation measure (Ex. 7) has been imposed the Applicants  
23 to signalize the intersection as specified in the Traffic Impact Analysis at the Lake  
24 Washington Blvd/NE 44th St/I-405 Northbound Ramp's intersection and the Lake  
25 Washington Blvd/NE 44th St/I-405 Southbound Ramp's intersection prior to  
26 building permit approval.

The City has stated it will support cost sharing (on a pro-rata basis) of  
improvements at the NE 44th St / I-405 Southbound Off Ramp and NE 44th St /  
Lake Washington Blvd/I 405 Northbound Off Ramp intersections to address this  
development's and other future developments (i.e., Hawk's Landing, Quendall  
Terminals) impacts on these intersections.

At hearing the Applicant asserted that the SEPA mitigation requiring I-405  
improvements, SEPA mitigation measure No. 7, is based upon an incorrect version  
of the traffic impact study. The SEPA appeal was not timely appealed so its  
conditions cannot be revisited by the Hearing Examiner. *See, e.g., Chelan County*  
*v. Nykreim*, 146 Wn.2d 904 (2002). The Examiner can only add to the traffic

1 mitigation to the extent necessary to reach compliance with the review criteria for  
2 the site plan and conditional use permit applications. In other words, if the SEPA  
3 traffic mitigation doesn't adequately address traffic impacts as required by the  
4 conditional use and site plan criteria, the Examiner can impose additional traffic  
5 mitigation to fill in the gap. There is nothing in the record to suggest that the  
6 mitigation required by the SEPA mitigation fails to adequately address traffic  
7 impacts. To the contrary, the Applicants assert that the mitigation requires more  
8 mitigation than is necessary and they also propose alternative stop control  
9 mitigation they believe will more effectively mitigate traffic impacts (without any  
10 assertion that the SEPA mitigation is insufficient to mitigate impacts). Since the  
11 Applicants are requesting the Examiner to alter the SEPA traffic mitigation as  
12 opposed to supplementing it, the Examiner has no jurisdiction to address their  
13 requests. City staff still have some options to alter the SEPA mitigation, such as  
14 the adoption of a SEPA addendum, which is authorized by WAC 197-11-600(4)(c)  
15 to the extent that any changes in mitigation do not substantially change the analysis  
16 of significant impacts and alternatives in the SEPA MDNS or environmental  
17 checklist.

- 18 2. Frontage Improvements. Frontage improvements include a 5-foot sidewalk, curb,  
19 gutter, an 8-foot planter strip, storm drainage, and street lighting in the right-of-  
20 way fronting the site in NE 48th St. Half street improvements include 18 feet of  
21 pavement, an 8-foot planter, and 5-foot sidewalk. Total pavement width of 36 feet  
22 is required to a point where the center turn lane begins to taper to the east. This has  
23 been shown on the plans.
- 24 3. Off-Site Impacts. The proposed development is anticipated to generate additional  
25 traffic on the City's street system. A Transportation Impact Fee, per net new  
26 average daily trip attributed to the project, is required by the SEPA MDNS (Ex. 7).  
The fee will be used to mitigate the proposal's potential impacts to City's  
transportation system and is payable to the City as specified by the Renton  
Municipal Code.
4. Internal Circulation and Connectivity to Adjoining Uses. The proposal includes a  
safe pedestrian and vehicular circulation system that is adequately connected to  
adjoining transportation facilities and uses. As to pedestrian facilities, the  
Applicants have proposed a network of pedestrian pathways and plazas which  
connect buildings and parking areas. A 5,000 square foot pedestrian plaza along  
NE 48th St transitions into a walkway that stretches the length of site to the south.

Another pedestrian plaza, approximately 2,000 square feet in size, is proposed at the entrance along the extended walkway which travels from the entrance of the site to the south. An additional pedestrian plaza is located south of the primary mixed use structure, offering views to the west, which will contain pedestrian seating and trellises.

As to vehicular circulation, the proposed project would have direct access onto NE 48th St via two new 30-foot wide curb cuts. There is no other street that adjoins the property. There is two-way circulation throughout the project site via an internal 24-foot wide drive aisle that loops around the mixed use building. The eastern curb cut would be a right-in/right-out access point. Additionally there is a two-way 24-foot drive aisle that branches off of the western entrance used to access parking for the hobby/incubator building. Part of the 24-foot aisle width is a 4-foot wide pedestrian walkway surrounding the building that is differentiated from the driveway by a difference in material.

Pedestrian sidewalks along the new public right-of-way, as well as private pedestrian connections at the perimeter of the property are proposed to provide safe and efficient pedestrian access throughout the site and to other abutting sites. The proposed development is expected to maintain the safety and efficiency of pedestrian and vehicle circulation on the site.

5. Parking. As conditioned, the project provides sufficient automobile and bicycle parking to comply with the City's parking standards, which presumptively establishes adequate parking unless there is evidence to the contrary and there is no such evidence in this case.

The parking regulations, RMC 4-4-080, require a specific number of off-street parking stalls be provided following:

<u>✓ Use</u>	<u># of Units/Square Foot of Use</u>	<u>Ratio</u>	<u>Required Spaces</u>
Residential	230	Min: 1 space / unit Max: 1.75 spaces / unit	Min: 230 Max: 403

Office (Hobby/ Incubator) Space	40,000	<i>Min: 2 spaces / 1,000 SF</i> <i>Max: 4.5 spaces / 1,000 SF</i>	<i>Min: 80</i> <i>Max: 180</i>
Retail	3,553	<i>Min: 2.5 spaces / 1,000 SF</i> <i>Max: 5 spaces / 1,000 SF</i>	<i>Min: 10</i> <i>Max: 20</i>

Based on these use requirements a minimum of 320 parking spaces would be required, and no more than 603 spaces, in order to meet code. The applicant is proposing a total of 392 spaces. The parking conforms to the minimum requirements for drive aisle and parking stall dimensions and the provision of ADA accessible parking stalls.

Per RMC 4-4-080(F)(11) 0.5 bicycle parking space is required per one dwelling unit and for all other uses the number of bicycle parking spaces shall be 10% of the number of required off-street parking spaces. The proposal contains 230 units therefore, 115 bicycle parking stalls shall be required for the residential units. Based on the proposal which requires a minimum of 90 vehicle parking stalls for all other uses on site, 9 additional bicycle parking stalls are required to be provided. The Applicants have proposed a total of 27 bicycle parking stalls on site which does not comply with the standards outlined in RMC 4-4-080F.11. Therefore the conditions of approval require the Applicants to revise the site plan to comply with the bicycle requirements outlined in RMC 4-4-080(F)(11) or request and have approved a Parking Modification (as described in RMC 4-9-250) to modify the number of bicycle stalls required. The Parking Modification or revised site plan shall be submitted to and approved by the Current Planning Project Manager prior to building permit approval.

6. Adverse Impacts. There are no significant adverse impacts associated with the project. The most pertinent impacts are addressed more specifically below:

A. View Impacts. Through testimony and elevations (Ex. 4), the Applicants have established that their proposal will not create any significant view impacts. The only residences that will have views affected by the proposal are located to the east of the proposal. The testimony and elevations establish that the proposed building will be lower than the existing tree line that is located along the east side of the project and that the proposal will also be lower than any of the decks of the homes, including the home of Hiro Tojo. The Applicants also voluntarily sited the development more than 85 feet down the slope on site, 70 feet more than required by code, in order to use the topography to mitigate view interference. It is recognized that during the winter months the proposal

1 may block views of Lake Washington more than the existing trees. However, in an assessment of  
2 what constitutes significant and acceptable view impacts the zoning of the property must be  
3 considered. The property has been zoned Commercial Arterial, which is a legislative determination  
4 that buildings of the mass and scale proposed by the Applicants is acceptable at this location. The  
5 building height allowed outright in the CA zone is 60 feet and the building at most exceeds this  
6 height by eight feet in some portions. Given these factors it is determined that the proposal does not  
7 create any significant adverse view impacts.

8 B. Compatibility. Written and verbal testimony asserted that the project is incompatible  
9 with surrounding uses, since the proposal eclipses all surrounding structures in both height and scale.  
10 It is pointed out that the tallest buildings in the vicinity are four stories high and that the largest  
11 apartment complex is composed of 129 dwelling units. Given the zoning of the site and the design  
12 features of the proposal, the project is compatible with adjoining uses.

13 As with view impacts, an assessment of impacts as subjective as compatibility must be taken within  
14 the context of applicable zoning standards, which constitute a legislative determination of acceptable  
15 scale and mass. The height and mass of the building is authorized by applicable zoning. Although a  
16 conditional use permit is required for the height, the height only exceeds the 60 feet permitted out  
17 right by up to eight feet on only some portions of the building. The Applicants have sufficiently  
18 mitigated the height and mass authorized for their project by use of open space and building design.  
19 The proposed building is setback over 85 feet from the eastern property line and leaves a largely  
20 undisturbed, heavily vegetated buffer that exists today, to offer a transition from the single family  
21 uses to the east. Additionally the eastern building façade has several architectural elements such as  
22 articulation and glazing to break down the massing. Stepped building masses and an articulated roof  
23 line that incorporates gabled roof shapes have been incorporated into design which are reflective of  
24 residential forms. Transitions to the multi-family uses to the north and south have been provided  
25 through several terraces on the northern and southern facades.

26 C. Osprey. The Eastside Audubon Society provided written comment (Ex. 10) that an  
Osprey nest is in proximity to the project and the staff report confirms that an osprey nest is located at  
the top of a cellular tower above a storage unit on the adjacent parcel to the west. Osprey are a  
protected species under the City's critical area regulations. As required by the critical area  
regulations, a Habitat Assessment was prepared by Raedeke Associates, Inc., dated November 28,  
2011. The mitigation recommended by the report is required by the SEPA MDNS, Ex. 7.

D. Slope Stability. The site is located within a High Erosion Hazard area and an  
unclassified Landslide Hazard Area. Protected slopes, which exceed a 40 percent grade, are also  
located on site but would not be impacted as part of the proposal. The comment letters, Ex. 10,  
include concerns about slope stability exacerbated by saturated soils. The Applicants have prepared a  
geotechnical report that evaluates these slope stability issues. SEPA MDNS conditions, Ex. 7, have  
adopted the geotech report recommendations and adequately protect the project and adjoining  
properties from slope stability problems. Staff have also testified that water saturation issues will be

1 addressed during engineering review and that impervious surface will be further restricted as  
2 necessary to promote slope stability.

3 The geotechnical report, prepared by GEO Group Northwest, Inc., was completed on May 27, 2011.  
4 The main considerations noted in the geotechnical report include the existence of moisture sensitive  
5 clay soils, anticipated water seepage, the height of proposed cuts, the presence of a weathered and  
6 fractured upper soil zone and associated risk of shallow soil movements. With the existence of an  
7 upper weathered and fractured zone, there is an increased risk for sloughing and small slides if  
8 construction takes place during wet winter months. Therefore, SEPA MDNS conditions require that  
9 earthwork be limited to the drier summer months of May 1st through September 30th. The SEPA  
10 conditions also require compliance with all other geotech design recommendations. The SEPA  
11 conditions also require that the Applicants contract with a geotechnical engineer in order to verify that  
12 the earthwork, foundation and other recommendations in the geotechnical report have been properly  
13 interpreted and implemented along with geotechnical monitoring services.

14 E. Noise. The mature vegetation to the east of the proposed building would provide privacy for  
15 the eastern facing units and provide a noise buffer between the proposed use and established single  
16 family use to the east. Beyond this the City's noise regulations have been designed to control noises  
17 to a compatible level.

18 F. Light and glare. A lighting plan was not provided with the project materials. A condition of  
19 approval will require the Applicants to provide a lighting plan that adequately provides for public  
20 safety without casting excessive glare on adjacent properties at the time of building permit review.  
21 The conditions require that lighting shall be limited to illumination of surfaces intended for  
22 pedestrians, vehicles, or key architectural features and light trespass shall be minimized as much as  
23 reasonably practicable. Pedestrian scale and downlighting shall be used in all cases to assure safe  
24 pedestrian and vehicular movement, unless alternative pedestrian scale lighting has been approved  
25 administratively or is specifically listed as exempt from provisions located in RMC 4-4-075 Lighting,  
26 Exterior On-Site. The lighting plan shall also include accent lighting on building facades and to  
illuminate key elements of the project.

### 27 **Conclusions of Law**

28 1. Authority. Attached dwelling units are permitted outright in the CA zone pursuant to RMC 4-  
29 2-060. However, an administrative conditional use permit is required for the proposal pursuant to  
30 RMC 4-2-120A because the building height exceeds 60 feet. Site plan review is required for all  
development within the CA zone by RMC 4-9-200(B)(2). Hearing examiner review is required for  
the site plan by RMC 4-9-200(D)(2)(b)(i) because the proposal includes more than 100 attached  
dwelling units. RMC 4-8-080(G) classifies site plan applications as Type III permits when hearing  
examiner review is required. In the absence of the site plan application, no hearing examiner review  
would be required for the conditional use permit and it would be classified as a Type II permit by  
RMC 4-8-080(G). The conditional use permit application has presumably been consolidated with the

1 site plan application. RMC 4-8-080(C)(2) requires consolidated permits to each be processed under  
2 "the highest-number procedure". The site plan has the highest numbered review procedure, so both  
3 the site plan and conditional use permit applications must be processed as Type III applications. As  
4 Type III applications, RMC 4-8-080(G) grants the Examiner with the authority to hold a hearing and  
5 issue a final decision on them, subject to closed record appeal to the City Council.

6 2. Zoning/Comprehensive Plan Designations. The subject property is zoned Commercial  
7 Arterial, CA, and the comprehensive plan land use designation is Commercial Corridor, CC.

8 3. Review Criteria. Conditional use criteria are governed by RMC 4-9-030(D) and conditional  
9 uses required for exceeding the 60 foot building height limit in the CA zone are additionally subject  
10 to the criteria in RMC 4-2-120(C)(16). Site plan review standards are governed by RMC 4-9-  
11 200(E)(3). All applicable criteria are quoted below in italics and applied through corresponding  
12 conclusions of law.

#### 13 **Conditional Use**

14 *The Administrator or designee or the Hearing Examiner shall consider, as applicable, the following*  
15 *factors for all applications:*

16 **RMC 4-9-030(C)(1): Consistency with Plans and Regulations:** *The proposed use shall be*  
17 *compatible with the general goals, objectives, policies and standards of the Comprehensive Plan, the*  
18 *zoning regulations and any other plans, programs, maps or ordinances of the City of Renton.*

19 4. The proposal is consistent with the Comprehensive Plan and Zoning Code as outlined at  
20 Section 17(a)-(l) of the staff report, adopted and incorporated by this reference as if set forth in full.

21 **RMC 4-9-030(C)(2): Appropriate Location:** *The proposed location shall not result in the*  
22 *detrimental overconcentration of a particular use within the City or within the immediate area of the*  
23 *proposed use. The proposed location shall be suited for the proposed use.*

24 5. The primary mixed use structure is located at the approximate mid- point of the site with very  
25 large setbacks from the east and west property lines. The structures closest proximity to adjoining  
26 property lines is along the NE 48th St frontage which would serve to enhance the buildings  
commercial visibility to the public right-of-way. Given these factors the criterion is met.

**RMC 4-9-030(C)(3): Effect on Adjacent Properties:** *The proposed use at the proposed location*  
*shall not result in substantial or undue adverse effects on adjacent property.*

6. As determined in Finding of Fact No. 6 there are no significant adverse impacts associated  
with the proposal, so it will not result in substantial or undue adverse effects on adjacent property.

1 **RMC 4-9-030(C)(4): Compatibility:** *The proposed use shall be compatible with the scale and*  
2 *character of the neighborhood.*

3 7. As determined in Finding of Fact No. 6(B), the proposal is consistent with the scale and  
4 character of the neighborhood.

5 **RMC 4-9-030(C)(5): Parking:** *Adequate parking is, or will be made, available.*

6 8. As conditioned, the proposal satisfies City parking standards as outlined in Finding of Fact  
7 No. 5(E)(5).

8 **RMC 4-9-030(C)(6): Traffic:** *The use shall ensure safe movement for vehicles and pedestrians and*  
9 *shall mitigate potential effects on the surrounding area.*

10 9. The proposal includes a safe pedestrian and vehicular circulation system as determined in  
11 Finding of Fact No. 5(E)(4). As determined in Finding of Fact No. 5(E), all off-site impacts are  
12 mitigated.

13 **RMC 4-9-030(C)(7): Noise, Light and Glare:** *Potential noise, light and glare impacts from the*  
14 *proposed use shall be evaluated and mitigated.*

15 10. As determined in Finding of Fact No. 6(E) and (F), noise and light impacts are adequately  
16 addressed and mitigated.

17 **RMC 4-9-030(C)(8): Landscaping:** *Landscaping shall be provided in all areas not occupied by*  
18 *buildings, paving, or critical areas. Additional landscaping may be required to buffer adjacent*  
19 *properties from potentially adverse effects of the proposed use.*

20 11. Conclusion 16 of the staff report concludes that landscaping is provided in all areas not  
21 occupied by buildings, paving or critical areas and the site plans shown during the hearing support  
22 this conclusion. The criterion is satisfied.

23 **RMC 4-2-120(C)(16):** *In consideration of a request for conditional use permit for additional*  
24 *building height, the Reviewing Official shall consider all relevant information, and the following*  
25 *factors along with the criteria in RMC 4-9-030, Conditional Use Permits.*

26 **a. Location Criteria:** *Proximity of arterial streets which have sufficient capacity to*  
*accommodate traffic generated by the development. Developments are encouraged to*  
*locate in areas served by transit.*

**b. Comprehensive Plan:** *The proposed use shall be compatible with the general purpose,*  
*goals, objectives and standards of the Comprehensive Plan, the zoning regulations and*  
*any other plan, program, map or regulation of the City.*



1 *c. Effect on Adjacent Properties: Building heights shall not result in substantial or*  
2 *undue adverse effects on adjacent property. When a building in excess of the maximum*  
3 *height is proposed adjacent to or abuts a lot designated R-1, R-4, R-8, R-10, R-14 or*  
4 *RM-F, then the setbacks shall be equivalent to the requirements of the adjacent*  
5 *residential zone if the setback standards exceed the requirements of the Commercial*  
6 *Zone.*

7 12. The street frontage of the property is along NE 49<sup>th</sup> St, an arterial that the traffic study has  
8 concluded can accommodate traffic generated by the project. As determined in Conclusion of Law  
9 No. 4, the proposal is consistent with the Comprehensive Plan, the zoning regulations and any other  
10 plan, program, map or regulation of the City. As determined in Finding of Fact No. 6, the proposal  
11 will not create any significant adverse impacts on adjoining properties. The setback requirement of  
12 RMC 4-2-120(C)(16)(c) technically doesn't apply to the residential properties to the east since they  
13 are in Newcastle, but the 80 foot setback provided by the project presumably exceeds the setbacks  
14 imposed in the adjoining Newcastle property anyway.

#### 15 **Site Plan**

16 **RMC 4-9-200(E)(3): Criteria:** *The Administrator or designee must find a proposed project to be in*  
17 *compliance with the following:*

18 *a. Compliance and Consistency: Conformance with plans, policies, regulations and approvals,*  
19 *including:*

20 *i. Comprehensive Plan: The Comprehensive Plan, its elements, goals, objectives, and*  
21 *policies, especially those of the applicable land use designation; the Community Design*  
22 *Element; and any applicable adopted Neighborhood Plan;*

23 *ii. Applicable land use regulations;*

24 *iii. Relevant Planned Action Ordinance and Development Agreements; and*

25 *iv. Design Regulations: Intent and guidelines of the design regulations located in RMC 4-*  
26 *3-100.*

13. As concluded in Conclusion of Law No. 4, the proposal is consistent with the City's  
comprehensive plan and development regulations. This includes design regulations. No Planned  
Action Ordinance applies to the project area.

**RMC 4-9-200(E)(3)(b): Off-Site Impacts:** *Mitigation of impacts to surrounding properties and*  
*uses, including:*

1 *i. Structures: Restricting overscale structures and overconcentration of development on a*  
2 *particular portion of the site;*

3 *ii. Circulation: Providing desirable transitions and linkages between uses, streets,*  
4 *walkways and adjacent properties;*

5 *iii. Loading and Storage Areas: Locating, designing and screening storage areas,*  
6 *utilities, roof top equipment, loading areas, and refuse and recyclables to minimize views*  
7 *from surrounding properties;*

8 *iv. Views: Recognizing the public benefit and desirability of maintaining visual*  
9 *accessibility to attractive natural features;*

10 *v. Landscaping: Using landscaping to provide transitions between development and*  
11 *surrounding properties to reduce noise and glare, maintain privacy, and generally*  
12 *enhance the appearance of the project; and*

13 *vi. Lighting: Designing and/or placing exterior lighting and glazing in order to avoid*  
14 *excessive brightness or glare to adjacent properties and streets.*

15 14. The building mass and scale isn't "overconcentrated" on any portion of the site because the  
16 Applicant has strategically placed the building downslope from the adjoining single-family homes  
17 and towards the middle of the parcel away from the uses that also adjoin it to the west. The project  
18 provides for adequately connected pedestrian and vehicular circulation as outlined in Finding of  
19 Fact No. 5(E)(4). There is inadequate information to determine whether the requirements for  
20 loading and storage areas quoted above have been satisfied so a condition of approval will address  
21 the issue. As noted in the staff report, landscaping screens the parking from both on and off-site  
22 uses. As further determined in the staff report, existing vegetation to the east maintains privacy  
23 between the proposed use and the single family residences to the east and also reduces noise and  
24 glare. As shown in Ex. 3, the landscaping will enhance the appearance of the project. As  
25 determined in Finding of Fact No. 6(F), as conditioned light impacts are mitigated sufficiently to  
26 avoid brightness or glare to adjacent properties and streets.

21 **RMC 4-9-200(E)(3)(c): On-Site Impacts: Mitigation of impacts to the site, including:**

22 *i. Structure Placement: Provisions for privacy and noise reduction by building placement,*  
23 *spacing and orientation;*

24 *ii. Structure Scale: Consideration of the scale of proposed structures in relation to natural*  
25 *characteristics, views and vistas, site amenities, sunlight, prevailing winds, and pedestrian*  
26 *and vehicle needs;*

1        **iii. Natural Features:** Protection of the natural landscape by retaining existing vegetation  
2        and soils, using topography to reduce undue cutting and filling, and limiting impervious  
3        surfaces; and

4        **iv. Landscaping:** Use of landscaping to soften the appearance of parking areas, to provide  
5        shade and privacy where needed, to define and enhance open spaces, and generally to  
6        enhance the appearance of the project. Landscaping also includes the design and  
7        protection of planting areas so that they are less susceptible to damage from vehicles or  
8        pedestrian movements.

9        15. As discussed in Conclusion of Law No. 14, the building placement and orientation provides  
10       for privacy and noise reduction by its location downslope from the adjoining single-family homes  
11       and towards the middle of the parcel away from the uses that also adjoin it to the west. The 80 foot  
12       setback to the east along with the retention of mature vegetation within it provides for additional  
13       privacy and noise reduction. The downslope location of the building along with the expansive  
14       setbacks takes full advantage of the natural characteristics of the site and in turn this protects views  
15       and vistas and allows for the passage of sunlight and prevailing winds. As previously discussed the  
16       proposal is fully connected to adjoining vehicular and pedestrian transportation facilities and the  
17       scale of the structure does not serve as any impediment to this connectivity. The natural landscape  
18       is protected by avoidance of development within steep slopes and the retention of existing  
19       vegetation on those slopes. Staff testified at the hearing that they have the authority to further limit  
20       impervious surface as necessary to protect slope stability during engineering review. As concluded  
21       in Conclusion of Law No. 14, landscaping softens the appearance of parking areas and the project as  
22       a whole and provides privacy. It is unclear from the record whether the landscaping has been  
23       designed to protect planting areas from vehicular and pedestrian movements so this will be made a  
24       condition of approval.

25       **RMC 4-9-200(E)(3)(d): Access and Circulation:** Safe and efficient access and circulation for  
26       all users, including:

1        **i. Location and Consolidation:** Providing access points on side streets or frontage streets  
2        rather than directly onto arterial streets and consolidation of ingress and egress points on  
3        the site and, when feasible, with adjacent properties;

4        **ii. Internal Circulation:** Promoting safety and efficiency of the internal circulation system,  
5        including the location, design and dimensions of vehicular and pedestrian access points,  
6        drives, parking, turnarounds, walkways, bikeways, and emergency access ways;

7        **iii. Loading and Delivery:** Separating loading and delivery areas from parking and  
8        pedestrian areas;

9        **iv. Transit and Bicycles:** Providing transit, carpools and bicycle facilities and access; and

1           ***v. Pedestrians: Providing safe and attractive pedestrian connections between parking***  
2           ***areas, buildings, public sidewalks and adjacent properties.***

3       16. As described in Finding of Fact No. 5( E)(4), the proposal directly accesses an arterial because  
4 no other street adjoins it. From the aerial photograph in the staff report and site plan exhibits it does  
5 not appear that any access to the arterial can be consolidated with adjoining properties.  
6 Consolidation of the proposed two access points is not possible because the Applicant is required to  
7 have a looped drive for emergency access. As determined in Finding of Fact No. 5(E)(4), the  
8 internal circulation system is safe and efficient. There are no dedicated loading or delivery areas  
9 proposed on site. As conditioned, the proposal provides adequate parking for bicycles as  
determined in Finding of Fact No. 5(E)(5). The record does not contain any information on transit  
or carpools and the conditions of approval will require City staff to ensure this is addressed as  
required by the criterion quoted above. As determined in Finding of Fact No. 5( E)(4), the proposal  
provides for save and attractive pedestrian connections between surrounding sues and infrastructure.

10       ***RMC 4-9-200(E)(3)(e): Open Space: Incorporating open spaces to serve as distinctive project***  
11 ***focal points and to provide adequate areas for passive and active recreation by the occupants/users***  
12 ***of the site.***

13       17. As determined in Finding of Fact No. 5(D), the proposal provides for open space that serves  
14 as distinctive project focal points and also provides for recreation.

15       ***RMC 4-9-200(E)(3)(f): Views and Public Access: When possible, providing view corridors to***  
16 ***shorelines and Mt. Rainier, and incorporating public access to shorelines.***

17       18. As determined in Finding of Fact No. 6(A), the proposal does not significantly impair  
18 shoreline views and there is nothing in the record that suggests that the project would have any  
19 impacts on views of Mt. Rainier.

20       ***RMC 4-9-200(E)(3)(g): Natural Systems: Arranging project elements to protect existing natural***  
21 ***systems where applicable.***

22       19. The project protects the steep slopes on site by avoiding them and implementing  
23 recommended measures of a geotechnical report. During engineering review staff will also ensure  
24 that slope stability is not adversely affected by stormwater by limiting impervious surface as  
25 necessary.

26       ***RMC 4-9-200(E)(3)(h): Services and Infrastructure: Making available public services and***  
facilities to accommodate the proposed use.

      20. The project is served by adequate services and facilities as determined in Finding of Fact No.  
5.

## DECISION

As conditioned below, the site plan and conditional use permit comply with all the review criteria addressed above and are approved.

1. The Applicants shall comply with the three mitigation measures issued as part of the Determination of Non-Significance Mitigated, dated February 13, 2012.
2. The Applicants shall submit to and have approved by the Current Planning Project Manager location, sizing and screening detail for storage areas, utilities, roof top equipment, loading areas, and refuse and recyclables prior to building permit approval. The location, design and screening for all these features must minimize views from surrounding properties as required by RMC 4-9-200(E)(3)(b)(iii).
3. The Applicants shall submit a materials board subject to the approval of the Current Planning Project Manager prior to building permit approval. The color scheme shall incorporate colors of the natural landscape.
4. The Applicants shall be required to provide a lighting plan that adequately provides for public safety without casting excessive glare on adjacent properties at the time of building permit review. Pedestrian scale and downlighting shall be used in all cases to assure safe pedestrian and vehicular movement, unless alternative pedestrian scale lighting has been approved administratively or is specifically listed as exempt from provisions located in RMC 4-4-075 Lighting, Exterior On-Site. The lighting plan shall also include accent lighting on building facades and to illuminate key elements of the project. Beyond this, lighting shall be limited to illumination of surfaces intended for pedestrians, vehicles, or key architectural features and light trespass shall be minimized as much as reasonably practicable. The lighting shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit approval.
5. The Applicants shall revise the site plan to comply with the bicycle requirements outlined in RMC 4-4-080(F)(11) or request and have approved a Parking Modification (as described in RMC 4-9-250) to modify the number of bicycle stalls required. The Parking Modification or revised site plan shall be submitted to and approved by the Current Planning Project Manager prior to building permit approval.
6. The doors to the artist/incubator space of the project shall be reduced in size to prevent the area from being used as a mini-storage area. The Applicants shall submit revised elevations that incorporate this required reduction in door size to the Current Planning Project Manager for approval. Approval shall be acquired prior to building permit approval.
7. The Applicants shall extend the 12-inch water main in NE 48<sup>th</sup> Street to the easterly property line and provide a 12-inch looped water main around the building site.

- 1 8. Staff shall determine whether planting areas are protected from damage from vehicles or  
2 pedestrian movements as required by RMC 4-9-200(E)(3)(c)(iv) and shall require  
3 revisions to the landscaping plan as necessary prior to building permit approval.
- 4 9. Staff shall determine whether adequate transit and carpool facilities are provided by the  
5 project as required by RMC 4-9-200(E)(3)(d)(iv) and shall require revisions to the project as  
6 necessary prior to building permit approval.

7 DATED this 11<sup>th</sup> day of April, 2012.

8 

9 Phil A. Olbrechts  
10 City of Renton Hearing Examiner

11  
12 **Appeal Right and Valuation Notices**

13 RMC 4-8-110(E)(9) provides that the final decision of the hearing examiner is subject to appeal to  
14 the Renton City Council. RMC 4-8-110(E)(9) requires appeals of the hearing examiner's decision. A  
15 request for reconsideration to the hearing e examiner may also be filed within this 14 day appeal  
16 period as identified in RMC 4-8-110(E)(8) and RMC 4-8-100(G)(4). A new fourteen (14) day  
17 appeal period shall commence upon the issuance of the reconsideration. Additional information  
regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall – 7<sup>th</sup>  
floor, (425) 430-6510.

18 Affected property owners may request a change in valuation for property tax purposes  
19 notwithstanding any program of revaluation.